TESTING • CONSULTING

November 13, 2013

Mr. Daniel Chachakis U.S. EPA – Region 5 77 West Jackson Boulevard, LR-8J Chicago, IL 60604

RE: Notice of Violation Dated October 21, 2013

Dear Mr. Chachakis:

We are writing this letter on behalf of our client:

WaterSaver Faucet Company 701 West Erie Street Chicago, IL 60654 0316006058

in response to the above referenced Violation Notice.

The following information details WaterSaver Faucet Company's (WaterSaver) response to each of the following alleged violations

Regarding the following stated violations:

1. A large quantity generator must determine whether its waste is hazardous. See, 35 IAC § 722.111 [40 CFR § 262.11]. At the time of the inspection, WaterSaver had not made an identification or determination of the material in three containers stored in a hazardous materials storage locker located in the second floor Clear Coat Room. WaterSaver, therefore, violated the above generator requirement. Please state the actions WaterSaver took to identify the materials in the hazardous materials storage locker, a description of the material, and any steps WaterSaver took to manage or dispose of the materials.

Response to Violation #1:

The three containers that were located in the Waste Flammable Cabinet at the time of the audit were identified as follows: Two containers of Waste Paint/Thinner and one container of paint product. The paint product was virgin paint material that was being stored in the waste cabinet because the Product Flammable Cabinet was overstocked. This material has since been removed from the waste cabinet and is currently being stored in the virgin product cabinet. The material present in the two waste containers was classified a D001/D039 hazardous waste. This material was removed from the facility on July 7, 2013 (See manifest included in Appendix A).



Currently, there are two waste containers in the waste cabinet. These two containers (15 gallon capacity each) are labeled as hazardous waste (See attached photo in Appendix A) and are closed except when waste is being added or removed. These containers are considered satellite accumulation because they are located near the point of generation and have a cumulative volume of less than 55 gallons (See attached photo of the cabinet in Appendix A).

2. In order to avoid the need for a hazardous waste storage permit, a large quantity generator using containers to accumulate D009, D039, D008, and other hazardous waste must maintain aisle space to allow the unobstructed movement of personnel. See, IAC § 722.134(a)(4); § 725.135 [40 CFR § 262.34(a)(4); § 265.35]. At the time of the inspection, the inspector was unable to read the labels on five 55-gallon containers of hazardous waste. WaterSaver, therefore, violated the above-referenced generator requirement. WaterSaver resolved this violation when its transporter removed the hazardous waste containers for shipment; therefore, EPA requires no further action.

Response to Violation #2:

The hazardous waste containers that were observed at the time of the audit all contained D008 hazardous waste. Watersaver does not generate D009 hazardous waste and the D039 hazardous waste that is generated at the facility is not stored in 55 gallon drums. At the time of the inspection, the observed drums were located at the loading dock waiting for transportation because the pick-up by the hauler was delayed. The loading dock is not the designated location for WaterSaver's hazardous waste containers. We have included a photo of WaterSaver's current hazardous waste storage area illustrating that adequate aisle space is currently being maintained (See photo in Appendix B).

Also, since the inspection, the D008 Hazardous Waste Polishing Sludge has been re-classified as recyclable material and is no longer considered a hazardous waste (See attached letter in Appendix B).

In order to avoid the need for a hazardous waste storage permit, a large quantity generator using containers to accumulate D009, D039, D008, and other hazardous waste must develop a contingency plan that describes arrangements agreed to by local police department, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services. See, IAC § 722.134(a)(4); § 725.152(c) [40 CFR § 262.34(a)(4); § 265.52(c)]. At the time of the inspection, WaterSaver's contingency plan did not describe arrangements agreed by local police department, fire departments, hospitals, contractors, and state and local



emergency response teams to coordinate emergency services. <u>Please</u> provide an updated version of the facility contingency plan that includes the requirements of the Illinois regulations related to the contents of the contingency plan; specifically, the regulations referenced in this violation.

Response to Violation #3:

See Response to #5

4. In order to avoid the need for a hazardous waste storage permit, a large quantity generator using containers to accumulate D009, D039, D008, and other hazardous waste must develop a contingency plan that includes a list of all emergency equipment at the facility. The plan must include the location and a physical description of each item on the list and a brief outline of its capabilities. See, IAC § 722.134(a)(4); § 725.152(e) [40 CFR § 262.34(a)(4); § 265.52(e)]. At the time of the inspection, WaterSaver's contingency plan did not list the location, description, or capability of its spill control equipment. WaterSaver, therefore, violated the above-referenced generator requirement. Please provide an updated version of the facility contingency plan that includes the requirements of the Illinois regulations related to the contents of the contingency plan; specifically, the regulations referenced in this violation.

Response to Violation #4:

See Response to #5

In order to avoid the need for a hazardous waste storage permit, a large quantity generator using containers to accumulate D009, D039, D008, and other hazardous waste must review and immediately amend the contingency plan whenever the facility changes or the list of emergency coordinators changes. See, IAC § 722.134(a)(4); § 725.154 [40 CFR § 262.34(a)(4); § 265.54]. At the time of the inspection, WaterSaver's emergency coordinator listed in the contingency plan, Mr. Elsworth Goff, no longer worked at WaterSaver. At the time of the inspection, the contingency plan did not include the additions to the facility structure. WaterSaver, therefore, violated the above-referenced generator requirement. Please provide an updated version of the facility contingency plan that includes the requirements of the Illinois regulations related to the contents of the contingency plan; specifically, the regulations referenced in this violation.



Response to Violation #5:

WaterSaver is currently undergoing major construction to their facility. This construction has been in progress since 2010 and is just about complete. WaterSaver was waiting for all the changes to be complete to update the Contingency Plan. That stated, WaterSaver will immediately begin to update the plan and will provide the USEPA with an updated copy by December 15, 2013.

6. In order to avoid the need for a hazardous waste storage permit, a large quantity generator using containers to accumulate D009, D039, D008, and other hazardous waste must maintain training documents and records at the facility. See, IAC § 722.134(a)(4); § 725.116(e) [40 CFR § 262.34(a)(4); § 265.16(e)]. At the time of the inspection, WaterSaver was unable to provide hiring or position start dates for nine current employees, and one past employee, responsible for hazardous waste management. At the time of the inspection, WaterSaver was unable to provide training records for the years prior to 2012 for five employees; training records for other than the years 2006 and 2007 for one employee; and training records for other than the year 2007 for two employees. WaterSaver, therefore, violated the above-referenced generator requirement. Please provide a spreadsheet of employees responsible for hazardous waste management, including current employees and employees who were reassigned to other duties or who left the employment of WaterSaver. Include the employees position or hiring start date, and the dates each employee underwent hazardous waste program training that included, at a minimum, the subjects listed in IAC § 722.134(a)(4); § 725.116(a)(3).

Response to Violation #6:

At the time of the inspection (and currently), all employees at the facility that were/are involved with the management of hazardous waste were trained and documentation was provided. This RCRA training was conducted in December of 2012. The 2013 annual refresher training is scheduled for 2013. Due to a combination of the major reconstruction of the building and the transferring of the training responsibilities to multiple individuals over the years, except for 2007, the documentation of the training for the years prior to 2012 cannot be located. Per your request, we have provided a spreadsheet illustrating the training documentation status for all current employees and any former employees within the last three years (See Appendix C). The spreadsheet goes back to year in which the employee's responsibilities included managing hazardous waste.

WaterSaver will ensure that, in the future, all training documentation will be kept on site and made readily available.



7. A generator of 1,000 kilograms or greater of hazardous waste in a calendar month must submit an Exception Report to the Agency (IEPA) if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. See, IAC § 722.142(a)(2) [40 CFR § 262.42(a)(2)]. At the time of the inspection. WaterSaver was unable to provide seven manifests from calendar year 2011 with the handwritten signature from the owner or operator of the designated facility signed within 45 days of the date the waste was accepted by the initial transporter. The missing manifests include 002614810SKS, 002877040SKS, 003749444FLE, 003619242FLE, 002818543SKS, 003585350FLE, and 002712869SKS. WaterSaver was also unable to provide copies of Exception Reports referencing the missing manifests. WaterSaver, therefore, violated the above-referenced generator requirement. Please provide a copy of each manifest listed in the paragraph that includes the handwritten signature from the owner or operator of the designated facility, or a copy of an Exception Report to IEPA for each missing manifest.

Response to Violation #7:

Water Saver did receive the TSD signed copy of the manifests listed above within the 45 day requirement. However, these TSD copies were used by the accounting department as a trigger to pay the invoice. Therefore, at the time of the inspection, these TSD copies of the manifests were filed in the accounting department NOT with the generator copies that were filed in the environmental department. We have included copies of all seven of the requested TSD signed manifests (See Appendix D).

In the future, all TSD-signed copies of manifests will be attached to the appropriate matching generator copy and will be kept in the environmental department. Furthermore, if one of these TSD signed manifest is not received back within 45 days, an Exception Report will be submitted to the IEPA. However, as stated above, no Exception Reports have been necessary to date.

If you have any questions regarding these responses, please do not hesitate to call me.

Respectfully Submitted,

Scientific Control Laboratories, Inc.

cc: Sunny Anderson, Water Saver

APPENDIX A

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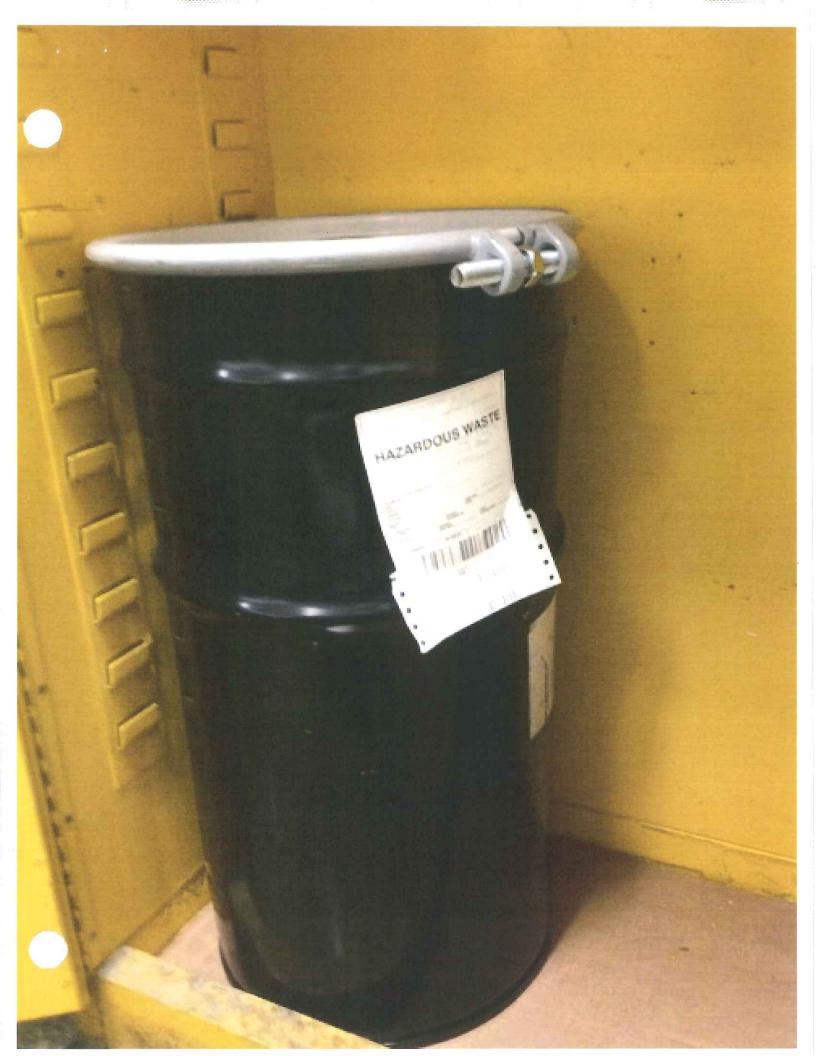
EPA Porm 8700-22 (Rev. 3-05) Previous editions are obsolete.

1) 7278461 X48739142

20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as including item 18st Panish Typed Harms

DESIGNATED FACILITY TO GENERATOR STATE (IF FIEQUIRED)







FLAMINABLE KEEP FIF E AWAY

Hazardous Waste

Satellite Accumulation Area

APPENDIX B









7800 Medusa Street | Oakwood Village | OH 44146 P:(440) 439-7400 | F:(440) 439-7446 | W: agmet1.com

April 4, 2011

Jeff Zak, CEF, P.E. Scientific Control Laboratories, Inc. 3158 S. Kolin Avenue Chicago, IL 60623-4889

Re: Recycling of Baghouse Dust generated by Watersaver Faucet Co.

Dear Mr. Zak,

As to your inquiry on whether Agemt is permitted to accept Baghouse Dust, generated by Watersaver Faucet Co. located at Chicago, IL and destined to our Agmet facility for reclamation, please note the following:

The baghouse dust is collected from a manufacturing process, part of polishing line for plumbing parts and consists of approximately 80% of buffing compound/water, 15% of copper, 4% zinc, and 1% lead. Due to lead content, material exhibits characteristics of hazardous waste and would be considered D008 if disposed of.

This polishing dust is not part of wastewater treatment process and as per 40CFR 261.2 falls under definition of "sludge exhibiting a characteristic of a hazardous waste" where sludge, is "any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply, plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant". As per 40 CFR 261.2, Table 1, column 3, when sludge exhibiting a characteristic of hazardous waste is reclaimed for metals recovery, it is not regulated as waste and therefore is not subject to hazardous waste regulations. This material will be used as a feedstock in production of metal bearing oxide where one or more metals are recovered. The metal oxide powder is sold as a product to metal smelters. A characteristic sludge is not regulated as a hazardous waste when recycled in this type of manner.

Therefore, the baghouse dust profiled to our facility as a sludge exhibiting characteristic of hazardous waste, per 40 CFR 261.2, Table 1, column 3 is exempt from being a solid waste (and also a hazardous waste) when reclaimed and can be recycled at Agmet facility. Agmet can accept this material shipped on either federal manifest or bill of lading as required per your State's EPA regulations.

Please contact me with any questions.

Best Regards,

Natslige Lopede

Agmet LLC.

APPENDIX C

RCRA Training Records

Current	Employees									
First Nan	n Last Nam	€ Start Date	* End Date	2013	2012	2011	2010	2009	2008	2007
Kevin	O'Connor	Jan. 2011	Still Employ	12/5/2013	yes	yes	n/a	n/a	n/a	n/a
Miguel	Ferreira	May. 2007	Still Employ	12/5/2013	yes	yes	no info.	no info.	no info.	yes
Javier	Carlos	Dec. 2012	Still Employ	12/5/2013	yes	n/a	n/a	n/a	n/a	n/a
Juan	Ferreira	Jan. 2000	Still Employ	12/5/2013	yes	yes	no info.	no info.	no info.	yes
Saul	Florian	Jan. 2000	Still Employ	12/5/2013	yes	yes	no info.	no info.	no info.	yes
Hector	Ortega	Apr. 2011	Still Employ	12/5/2013	yes	yes	n/a	n/a	n/a	n/a
Rafael	Borja	Dec. 2012	Still Employ	12/5/2013	yes	n/a	n/a	n/a	n/a	n/a
Sunny	Anderson	Jan. 2013	Still Employ	12/5/2013	n/a	n/a	n/a	n/a	n/a	n/a
Former	Employees			•						
Julio	Guzman	Mar. 2010	Oct. 2013	n/a	no info.	no info.	no info.	>3 years	>3 years	>3 years
Jason	Hicks	Mar. 2012	Nov. 2012	n/a	no info.	n/a	n/a	>3 years	>3 years	>3 years
Steven	Camara	Feb. 2007	Feb. 2010	n/a	n/a	n/a	no info.	>3 years	>3 years	>3 years
Kristina	Sedjo***	Jan. 2010	Jun. 2013	n/a	n/a	n/a	no info.	>3 years	>3 years	>3 years
Mario	Robles**	Mar. 2010	Mar. 2012	n/a	n/a	n/a	no info	>3 years	>3 years	>3 years

^{*} Start Date is the date in which the employee added management of hazardous waste to his/her duties; not original date of employment

n/a = training not required; employee either not employed yet or did not manage hazardous waste

no info. = training documentation cannot be located.

No records available before 2007

^{**} Mario Rubles stopped handling hazardous waste in 2011.

^{***} Kristina Sedjo stopped handling hazardous waste in 2011

APPENDIX D

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UNIFORM HAZARDOUS WASTE MANIFEST	1. Generator iD Number	2. Page 1 of 3.	Emergency Response Pho	ne 4. Manifeat	Tracking Nu	2869 SKS
5. Generator's Name and Mail WATER SAVER 701 W ERIE CHICAGO	FAUCET CO ST #1 50	Ger >610-3973	erator's Site Address (if di	ferent than mailing addre	98)	
Ganerator a Prione:	2-366-0500 Nosystems, inc.		<u>_</u>	U.S. EPA ID	Number	FXR500050930
7. Transporter 2 Company Na	ne .			U.S. EPA (D	Number	
8. Designated Facility Name a	633 E 138TH ST	STEMS, INC.		U.S. ERA-ID	Number .	
フロタ・ Facility's Phone:	-225-8100 POLTOM.	į.	11 30417			IL6980a13913
9a. 9b. U.S. DOT Descript HM and Packing Group (#	iton (Including Proper Shipping Name, Hazard Class, ID No any))	amber,	10. Containers No.	11, Total Type Quantity	12. Unit Wt./Vai.	13. Wasle Codes
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18b. Alternate Facility (or Gene	rator)		Manifest Reference Num	ber: U.S. EPAID N	lumber	
Facility's Phone: 18c. Signature of Alternate Fac	ility (or Generator)			*,		Month Day Yas
19. Hazardous Waste Report M	anagament Method Codes (I.e., codes for hazardous wast	te treatment, disposal, and	recycling systems)	4,		
20. Designated Facility Owner	or Operator: Certification of receipt of hazardous materials	covered by the manifest e	cept as noted in Item 18a			•
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	ľ	 Generator's Name and Mailing Address WATER SAVER FAUCE. 	T CO	(Generator's Site Address ((if different than n	nailing address)			
П		701 W ERIE ST CHICAGO	IL 6061	0-3973							
		Generator's Phone: 312-666-1			<u> </u>		J.S. EPA ID Nu	mher			
		6. Transport Y COMPANY NO SYSTI	Ens, INC.			ľ	D.O. EI A 10 M	IIIDEI	TXROO	00509	30
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			633 E 138TH ST DOLTON,		: IL 60419						
		708-225-8; Facility's Phone:	100			ı			1LD98	06139	13
		9b. U.S. DOT Description (including and Packing Group (if any))	Proper Shipping Name, Hazard Class, ID Number	,	10. Contain		i1. Total	12. Unit	13. V	Vaste Code	s
	H	X 1 WASTE COMBUSTI	BLE LIQUID, N.O.S.		No.	Type DM	Quantity	Wi./Vol.	D001	D018	D039
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	15	GENERATOR'S/OFFEROR'S CERTIFIC	ICATION: / hereby declare that the contents of thi	is consignment an	e fully and accurately des	cribed above by t	he proper ships	ping name,	and are class	ilied, packa	aged,
		Exporter, i certify that the contents of this	in all respects in proper condition for transport acc ils consignment conform to the terms of the attache tement identified in 40 CFR 262.27(a) (if I am a lar	ed EPA Acknowled	dament of Consent.			ехроп snij	pment and I at	m the Prima	ary
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